

**REMARKS**

In the Non-Final Office Action of September 29, 2005, claims 1-27 are pending. Claims 1, 10, 11, 14, 23, and 24 are currently being amended. Applicant respectfully requests the Examiner for reconsideration of all pending claims.

**Claim Rejections – 35 USC § 102**

Claims 1, 3, 6, 9-10, 14, 16, 19, 22-24, and 27 are rejected under 35 USC § 102(b) as anticipated by U.S. Patent No. 5,935,026 to Dill et al (hereinafter referred to as "Dill"). Dill discloses a lacrosse stick having removable or interchangeable head. Specifically referring to Figure 4, the stick element 600 comprises "a straight rear or butt section 602 and a separate and distinct sinusoidally and dependingly curved forward portion 604." (Dill, Columns 4-5) Further, Dill's disclosure teaches that the handle is a single unitary structure.

**Claims 1, 3, 6, 9-10**

Claim 1 has been amended to require that the upper elongate section and the lower elongate section are constructed of different materials which give the handle different performance characteristics. Dill et al does not teach any type of sections for its lacrosse handle let alone sections formed of different types of materials.

The structure as taught in amended claim 1 in the present invention is not disclosed in Dill ('026). Therefore, Applicant submits that Claim 1 is not anticipated by U.S. Patent No. 5,935,026 to Dill and is in condition for allowance.

Applicant submits that claims 3, 6, 9-10, which are all dependent from amended claim 1, are not anticipated by U.S. Patent 5,935,026 to Dill and are also in condition for allowance.

**Claims 14, 16, 19, 22-24**

Claim 14 has been amended to include a substitutive section having a different flexibility characteristic from both the upper and lower elongate sections and that can be substituted for either the upper elongate section or the

lower elongate section. Dill et al does not teach any type of substitutive section for its lacrosse handle.

Claim 23 has been amended to clarify that the substitutive section described in claim 14 is interchangeable with the upper elongate section. Similarly, claim 24 has been amended to clarify that the substitutive section described in claim 14 is interchangeable with the lower elongate section.

The structure taught in amended claim 14 is not disclosed in Dill ('026). Therefore, Applicant submits that Claim 14 is not anticipated by U.S. Patent No. 5,935,026 to Dill and is in condition for allowance.

Applicant submits that claims 16, 19, 22-24, which are all dependent from amended claim 14, are not anticipated by U.S. Patent 5,935,026 to Dill and are therefore in condition for allowance.

#### Claim 27

Claim 27 teaches a lacrosse stick requiring three distinct interlocking sections in addition to the lacrosse head. The present invention teaches that the lacrosse stick requires an upper elongate section, an intermediate elongate section, and a lower elongate section. The head is attachable to the upper elongate section. Further, the present invention teaches that "the upper, intermediate, and lower elongate sections are modular and said first and second interlocking mechanisms are releasable so that at least one of said upper elongate section, intermediate elongate section, and lower elongate section may be replaced as desired." This structure is not disclosed in Dill ('026). Dill discloses a lacrosse stick having only two sections, the straight rear/butt section and the curved forward portion. Therefore, Applicant submits that Claim 27 is not anticipated by U.S. Patent No. 5,935,026 to Dill and is on condition for allowance.

Applicant respectfully requests the Examiner to reconsider the rejections of claims 1, 3, 6, 9-1-, 14, 16, 19, 22-24 and 27.

Claim Rejections - 35 USC § 103

Claims 2, 12, 13, 15, 25 and 26 are rejected under 35 USC § 103(a) as obvious over Dill et al as applied to claims 1 and 14 above and further in view of U.S. Patent No. 2,712,950 to Siebert (hereinafter referred to as "Siebert.")

As discussed above, Dill discloses a lacrosse stick having removable or interchangeable head. Specifically referring to Figure 4, the stick element 600 comprises "a straight rear or butt section 602 and a separate and distinct sinusoidally and dependingly curved forward portion 604." (Dill, Columns 4-5) Further, Dill's disclosure teaches that the forward portion 604 is smaller in length from the rear or butt section 602 as depicted in Figure 4.

Siebert ('950) teaches "a handle for carpet sweepers, floor brushes, wall brushes, mops and the like." Siebert ('950) explicitly states that "[t]he handle of the [] invention is formed of sections which may be compactly assembled for packaging and shipment and quickly and easily set up by a relatively unskilled person and one when assembled cannot be disassembled without exerting more force than is commonly available or without practically destroying the handle." (Siebert, Column 1, emphasis added) This teaches away from the present invention since it requires and teaches interlocking and readily releasable sections of the lacrosse handle.

Further, the lacrosse stick of the present demands two requirements neither of which are taught in Dill et al. or Siebert. The first requires that there be at least two elongate sections to the handle where the sections have substantially equal length. The second requires that there be a substitutive section having a different flexibility characteristic from either of the other two sections and yet can be substituted for either of the two sections.

Thus, Dill et al. and Siebert alone or in combination fail to teach or suggest each and every element recited in claims 2, 12, 13, 15, 25 and 26 and the *prima facie* case of obviousness has not been met, as required under 35 USC 103(a) and as stated in MPEP 2143. Therefore, claims 2, 12, 13, 15, 25, and 26 are novel, nonobvious, and are in condition for allowance.

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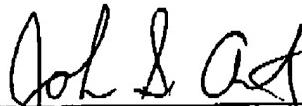
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Claims 4, 5, 7, 8, 17, 18, 20 and 21 are rejected under 35 USC 103(a) as obvious over Dill as applied to claims 1 and 14 above, and further in view of Official Notice. Official Notice was taken to the use of aluminum, titanium, graphite and composites well known in the lacrosse shaft art. Previously, Applicant described why the present invention is patentable over Dill. With respect to the Official Notice, there is no teaching to compose a lacrosse stick of various elongate sections where each section has a different flexibility characteristic as taught by the present invention. The varying flexibility characteristics for the sections can be accomplished by having sections made from different materials. Therefore, Applicant respectfully submits that Dill and Official Notice alone or in combination fail to teach or suggest each and every element recited in claims 4, 5, 7, 8, 17, 18, 20 and 21 and respectfully requests reconsideration.

In light of the amendments and remarks, Applicant submits that all the objections and rejections are now overcome. The Applicant has added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, he is respectfully requested to contact the undersigned attorney. Please charge any fees required in the filing of this amendment to Deposit Account 50-0476

Respectfully submitted,

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